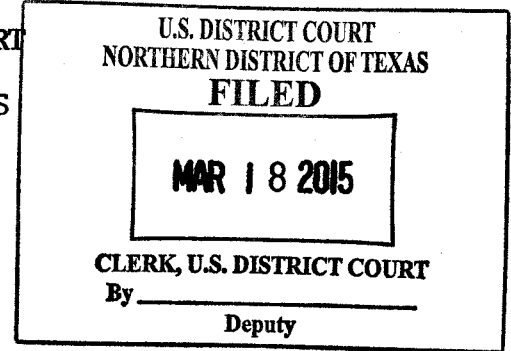


UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF TEXAS
FORT WORTH



Lisa A. Biron,
Plaintiff

v.

FMC Carswell Warden Jody Upton,
Lauren Cimperman, Psy.D.,
Special Investigative Services
("SIS") Officer Wenger, SIS
Officer Kingsley, Disciplinary
Hearing Officer ("DHO") Valle,
Unit Disciplinary Committee
("UDC") Member W.L. Smithers,
UDC Member E. Smith-Branton,
individually and in their
official capacities,
Defendants.

Civil Action No. _____
Complaint for Damages,
Declaratory Judgment, and
Injunctive Relief

4-15CV-205-A

I. Jurisdiction & Venue

1. This is a civil action under Bivens v. Six Unknown Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) to redress the deprivation, under color of federal law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. §§ 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202. Plaintiff's claim for injunctive relief is authorized by 28 U.S.C. §§ 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2. The Northern District of Texas is an appropriate venue under 28 U.S.C. § 1391(b)(2) because it is where events giving rise to these claims occurred.¹

¹ Presently before this Court is Ms. Biron's consolidated § 2241 action which challenges the loss of Good Conduct Time stemming from DHO actions that began against Plaintiff in Danbury, CT FCI in 2013 and have continued in FMC Carswell, Texas. The opening Petitions and Reply are informative on the extent of the FBOP's conduct against Ms. Biron. See Civil Action No. 4:14-CV-772 (consolidated with 4:14-CV-823).

II. Plaintiff

3. Plaintiff, Lisa A. Biron, is and was at all times mentioned herein an incarcerated federal inmate in the custody of the Federal Bureau of Prisons ("FBOP") and is presently confined at Federal Medical Center ("FMC") Carswell in Fort Worth, Texas.

III. Defendants

4. Defendant Jody Upton is the warden of FMC Carswell. He is legally responsible for the operations of FMC Carswell and for protecting the Constitutional rights of all inmates housed therein.

5. Defendant Lauren Cimperman, Psy.D., is a psychologist and correctional officer in the psychology department of FMC Carswell.

6. Defendant Ms. Wenger is a Special Investigative Services ("SIS") officer at FMC Carswell.

7. Defendant Ms. Kingsley is an SIS officer at FMC Carswell.

8. Defendant Mr. Valle was, at all times mentioned herein, the Disciplinary Hearing Officer ("DHO") who presided over disciplinary hearings of FMC Carswell inmates.

9. Defendant Ms. W.L. Smithers is a member of the Unit Disciplinary Committee ("UDC") at FMC Carswell.

10. Defendant Ms. E. Smith-Branton is a member of the UDC at FMC Carswell.

11. Each defendant is sued individually and in his and her official capacity. At all times mentioned herein each defendant acted under color of federal law.

IV. Claims

12. On or about June 30, 2014, SIS Officer Wenger intercepted, stopped, and confiscated a letter mailed lawfully by Plaintiff to her daughter, R.B., in violation of the First, Fifth, and Eighth Amendments to the U.S. Constitution.

13. On or about June 30, 2014, SIS Officer Wenger intercepted, stopped, and confiscated mail mailed by Plaintiff to Plaintiff's Power of Attorney (and father) Michael Bonczar in violation of the First, Fifth, and Eighth Amendments to the U.S. Constitution.

14. On or about July 5, 2014, Warden Upton was made aware of this wrongful mail interception and confiscation via detailed email from plaintiff and failed to act to remedy this wrongful action in violation of the First, Fifth, and Eighth Amendments to the U.S. Constitution.

15. On or about July 15, 2014, Lauren Cimperman, Psy.D. threatened Plaintiff with placement on a "correctional management plan" for Plaintiff's lawful efforts to contact R.B. in violation of Plaintiff's rights under the First, Fifth, and Eighth Amendments to the U.S. Constitution.

16. On or about July 31, 2014 DHO Valle sanctioned² Plaintiff for the June 30th letter lawfully mailed to R.B. in violation of Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution.

17. On or about October 16, 2014, Warden Upton issued a "Restricted Correspondence Notification" to bar Plaintiff's lawful mail to R.B. in violation of the First, Fifth, and Eighth Amendments to the U.S. Constitution.

18. On or about November 20, 2014, DHO Valle, on reconsideration of the July 31, 2014 hearing, sanctioned³ Plaintiff for the June 30th letter lawfully mailed to Michael Bonczar in violation of Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution.

² Plaintiff does not challenge the DHO sanctions here. The DHO sanctions are challenged in Ms. Biron's §2241 petition currently before this Court.

³ Plaintiff does not challenge the DHO sanctions here. The DHO sanctions are challenged in Ms. Biron's §2241 petition currently before this Court.

19. On or about November 19, 2014 and on or about November 30, 2014, respectively, SIS Officer Wenger intercepted and stopped two (2) letters mailed lawfully by Plaintiff to Michael Biron (her ex-husband) and told Plaintiff that she could no longer send mail to Michael Biron in violation of the First, Fifth, and Eighth Amendments to the U.S. Constitution.

20. On or about December 1, 2014 through December 3, 2014, Warden Upton violated Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution by failing to intervene and correct the wrongful interference with the two (2) November 2014 mailings to Michael Biron, and directed or allowed staff to block future mailings to Michael Biron by disabling her ability to print Trulincs labels required to send mail.

21. On or about November 27, 2014, SIS Officer Wenger in concert with Warden Upton blocked phone numbers on Plaintiff's call list and stopped her ability to call Michael Biron and R.B. in violation of the Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution.

22. On or about December 12, 2014, Lauren Cimperman, Psy.D., in concert with SIS Officer Kingsley, unlawfully attempted to impose a "correctional management plan" to bar Plaintiff's contact with R.B. in violation of the First, Fifth, and Eighth Amendments to the U.S. Constitution.

23. On January 28, 2015, Lauren Cimperman violated Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution by issuing a discipline report against Plaintiff for asking a family member over the phone to find out how R.B. liked a Francine Rivers book she had received for Christmas.

24. On or about February 24, 2015, Lauren Cimperman violated Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution by

issuing a discipline report against the Plaintiff because Plaintiff asked the family's Pastor (Plaintiff's Pastor of Record) to contact R.B. to see how she was doing.

25. On or about February 26, 2015, Ms. E. Smith-Branton violated Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution by finding Plaintiff guilty of the Cimperman-incident report of February 24, 2015 and sanctioning her.

26. On or about February 27, 2015, Ms. W.L. Smithers violated Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution by re-sanctioning Plaintiff for the February 24, 2015 Cimperman-incident report.

27. On or about March 12, 2015, Ms. E. Smith-Branton violated Plaintiff's First, Fifth, and Eighth Amendment rights under the U.S. Constitution by sanctioning Plaintiff in connection with the January 28, 2015 Cimperman-incident report.

V. Remedies

28. The Plaintiff seeks nominal and punitive damages against Defendants Jody Upton, Lauren Cimperman, and DHO Valle for interference and obstruction of Plaintiff's First Amendment right to association and communication with her daughter, R.B., and with others named herein. These acts are unlawful and in violation of due process and amount to cruel and unusual punishment.

29. The Plaintiff's remedy at law to redress these wrongs described herein is, however, inadequate and incomplete. Plaintiff has been, and will continue to be, irreparably injured by the conduct of the defendants unless this Court grants declaratory and injunctive relief.

VI. Prayer for Relief

WHEREFORE, Plaintiff requests this Honorable Court:

30. Grant Plaintiff a declaration that the acts and omissions described herein violate her rights under the U.S. Constitution and laws of the United States;
31. Grant a preliminary and permanent injunction ordering defendants to cease interfering with Plaintiff's association and communication to her daughter R.B. and the others named herein;
32. Grant Plaintiff nominal damages in the amount of \$ 3.00 and punitive damages in the amount of \$ 3,000.00 against Defendants Upton, Cimperman, and Valle, jointly and severally;
33. Grant Plaintiff her costs and fees incurred for prosecuting this lawsuit;
34. Order the Plaintiff transferred back to the Northeast Region; and
35. Grant such other relief as this Court deems just and equitable.

Respectfully submitted,

3/16/15
Date

Lisa Biron
Lisa A. Biron #12775-049
FMC Carswell
P.O. Box 27137
Fort Worth, TX 76127

Verification

I, Lisa A. Biron, hereby swear, under penalty of perjury, that the matters and facts alleged in the foregoing Complaint are true and correct.

3/16/15
Date

Lisa Biron
Lisa A. Biron

Lisa A. Biron
Reg. # 12775-049
FMC Carswell
P.O. Box 27137
Fort Worth, TX 76127

Clerk of Court
U.S. District Court
501 W. Tenth St., Room 310
Fort Worth, TX 76102

March 16, 2015

Re: Civil Action, Biron v. Upton, et al.

Dear Clerk:

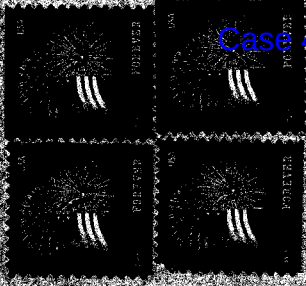
I have enclosed the original and one copy of my Complaint to begin a civil action. I have also enclosed an application and trust account statement as I request to proceed in forma pauperis.

Further, I request that the U.S. Marshal's Service serve the Defendants as provided by Rule 4(c) of the Federal Rules of Civil Procedure.

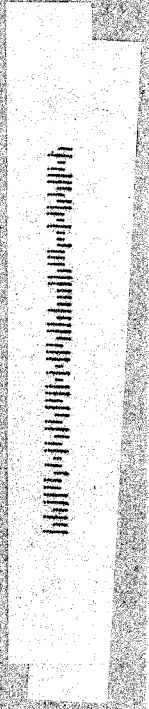
Thank you very much for your attention to this matter.

Sincerely,


Lisa A. Biron



2015 MAR 18 AM 11:54
CLERK OF COURT



12775-049
U.S. District Court
Clerk of Court
501 W 10TH ST
Room 310
FORT WORTH, TX 76102
United States

USA Biron
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FMC Carswell
PO Box 27137
Fort Worth, TX 76127